

REMARKS

Claims 1-4 and 6-14 are pending in this application. This includes new independent claims 6 and 11.

The Examiner has issued an Office Action requiring restriction between claims 1-5 of the present application. Applicants hereby elect the Group I invention with traverse including original claims 1-4 and new claims 6-10.

Applicant traverses the Examiner's restriction requirement in that the Examiner has not established a *prima facie* case of restrictability. The Examiner has made no allegation as to additional burden, the suggested classifications noted by the Examiner being undoubtedly part of the field of search for either alleged group. The Examiner is respectfully requested to reconsider his restriction requirement in connection with this application.

The Examiner then goes on to require election between a plurality of species, none of which are presently claimed in any of the claims of the presently pending application. It is respectfully submitted that the claims of the present application are all presently supported by Figure 6 and its attendant disclosure. None of the details of any of Figures 1-4 are claimed in the presently pending claims. The Examiner's attention is directed to M.P.E.P. § 809.02(d). This section of the M.P.E.P. notes that an election of species should not be required until species claims are presented. No claims directed to any of the species identified by the Examiner are presented in the instant application. Accordingly, the Examiner should withdraw the election of species requirement and issue it only at such time as Applicant presents species claims to more than one species of the invention.

For all of the above-stated reasons, it is respectfully requested that the Examiner reconsider and withdraw the outstanding election and restriction requirements and examine claims 1-4 and 6-10 as they are presently pending.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at (703) 205-8000, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to the provisions of 37 CFR 1.17 and 1.136(a), Applicant respectfully petitions for a two (2) month extension of time for filing a response in connection with the present application. The required fee of \$225.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART KOLASCH & BIRCH, LLP

By 

Michael K. Mutter, #29,680

MKM/slb
1291-0146PUS2

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000